

NINETY-THIRD MEETING
of the
ADMINISTRATIVE ADVISORY COMMITTEE
MEETING NOTES
November 7, 2012

The Ninety-Third Meeting of the Administrative Advisory Committee convened at 10:12 a.m., on November 7, 2012, in the Conference Room of the State Universities Civil Service System Office (University System), 1717 Philo Road, Suite 24, Urbana, Illinois.

Present were: Tammie Carlson, representing Illinois State University; Steve Cunningham, representing Northern Illinois University; Maureen Parks, representing the University of Illinois; Joanne Tolbert, representing the Illinois Student Assistance Commission; and William Weber, representing Eastern Illinois University.

Present by audio conference was: Julie DeWees, representing Western Illinois University.

Members absent were: Joanne E. Maitland, Chair, representing the Merit Board; Gebe Ejigu, representing Governors State University; Glenn Meeks, representing Chicago State University; Geoffrey Obrzut, representing the Illinois Community College Board; Al Phillips, representing the Illinois Board of Higher Education; Duane Stucky, representing Southern Illinois University; and Mark Wilcockson, representing Northeastern Illinois University.

Also present were: Lewis T. (Tom) Morelock, Executive Director; Abby Daniels, Legal Counsel; Jeff Brownfield, Manager, Operations Division; Cindy Neitzel, Manager, Audit and Advisory Services; and Julie Benedict, Chair, State Universities Civil Service Advisory Committee.

Consideration of the Report of the Ninety-Second Meeting, February 1, 2012

Mr. Morelock requested if there were any additions or corrections to the Report of the Ninety-Second Meeting of the Administrative Advisory Committee which was held on February 1, 2012. The report was included in the agenda materials which were mailed to all members of the committee at an earlier date. Having heard no comments, Mr. Morelock asked the members to accept the report as presented. Motion made by Dr. Weber to accept the report as submitted in the agenda materials. Ms. Parks seconded Dr. Weber's motion. The motion carried.

Update on the adopted rule changes to sections 250.60, 250.70, 250.90, and 250.110 of the Illinois Administrative Code (80 Ill. Adm. Code §250.60, §250.70, §250.90, and §250.110)

Mr. Morelock informed the committee that several rule changes had been approved by the Merit Board back in August 2011 for circulation to the various committee groups and for publication in the Illinois Register. The proposed rules, sections 250.60, 250.70, 250.90 and 250.110 of the Code, were published in the Illinois Register on October 28, 2011 which began the First Notice Period. During the First Notice Period, the Joint Committee on Administrative Rules (JCAR) had a few suggestions. No other comments were received from any other parties.

On February 8, 2012, the Merit Board approved the amendments as suggested by JCAR and for submission for the Second Notice Period. On March 2, 2012, the proposed rule changes were published in the Illinois Register. JCAR issued a "No Objection" on March 6, 2012. The adopted amendments were published in the Illinois Register on April 20, 2012 with an effective date of April 6, 2012.

Following are the changes to the adopted rules:

Section 250.60(h)(10) was amended by adding a new section 10 to provide for the permissive removal of names from registers, when the position has been posted and the posting includes a timeline for removal or discontinuation of the register for that classification.

Section 250.70(d) was amended by changing the name of the program from Trainee Appointments to Intern Appointments.

Section 250.90(b)(2) was amended to extend the probationary period for a comparable amount of time as required by any off-site training period.

Sections 250.110(f)(16) and (17) were amended to remove the language regarding a rehearing and reconsideration of a Merit Board order or decision on a discharge matter.

Update on the proposed rule revision to section 250.50 of the Illinois Administrative Code (80 Ill. Adm. Code §250.50) and the submission for the Second Notice Period

Mr. Morelock informed the committee that on August 17, 2012, the Merit Board approved the circulations and the publication for the First Notice Period of the proposed rule change to section 250.50 of the Code. The proposed revision addressed the timeframe for the retention of examination materials, consistent with the University System approved Records Retention Policy.

The First Notice Period began on September 28, 2012. As of this meeting, no comments had been received for any parties. Mr. Morelock further stated that at the upcoming Merit Board meeting which will be held on November 14, 2012, the Merit Board will vote to either approve or withdraw the proposed rule revision. If approved, the proposed rule revision will be submitted for the Second Notice Period and final JCAR review.

Update and review of the new Demonstration Project – “Rule of 3 Analysis”

Mr. Morelock informed the committee that on March 12, 2012, Maureen Parks, University of Illinois, submitted a new Demonstration Program referred to as the “Rule of 3 Analysis” Project. The Merit Board approved this project at the May 2012 Merit Board meeting with an effective date of July 1, 2012 for a period of three years.

Mr. Morelock explained the new project by stating that the project will apply an alternative methodology when referring applicants from employment registers for vacant positions in specified classifications. Currently 12 classifications are included in the project. The University System will be looking at the various data that will be collected over the next several years to see if any Statute or rule change will need to be necessary.

Dr. Weber asked if the University System staff knew how many searches would be covered under this project. Mr. Morelock informed the committee that data is just being collected, so the agency did not have any specific information at this time. Currently the project only applies to the classifications outlined in the project. Ms. Parks asked that, if a rule change or a Statute change was warranted, would it be limited to the 12 classes currently in the project or would it include all of the classes in the Classification Plan. Mr. Morelock confirmed that it would include the entire Classification Plan. Dr. Weber wanted to clarify that Veterans Preference would work the same as any other program and Mr. Morelock informed the committee that there were no changes regarding Veterans Preference protocols.

Update on the transition of the Pilot Program to standardized civil service class plan management protocols

Mr. Morelock informed the committee that the Pilot Program was officially terminated on July 1, 2012. All of the classifications involved in the Pilot Program have been transitioned into the standardized civil service Classification Plan and are being managed in the E-test System. The classifications involved are:

- *Accounting Associate*
- *Business/Administrative Associate*
- *Human Resources Associate*
- *Information Technology Manager/Administrative Coordinator*
- *Information Technology Technical Associate*
- *Information Technology Support Associate*

The agenda materials included some basic information regarding the relative utilization of these classifications under this Program.

Update on recent audit activities regarding exemptions, and report of progress at University of Illinois at Chicago regarding exemptions

Mr. Morelock updated the committee on the reports the agency had received from the University of Illinois at Chicago (UIC) regarding the various audit issues from January 2012 through September 2012. UIC has been reviewing many positions over the last few years because of the audit findings from an

audit several years ago. The Job Analysis Reports for vacant academic professional positions indicated that 139 new academic professional positions were approved.

The Monthly Conversions of Academic Professional Positions to Civil Service Positions Reports indicated that 193 positions were converted to Civil Service.

Also included in the agenda materials was a summary of audit findings regarding Principal Administrative Appointments over the last three years at all of the places of employment.

Ms. Parks was asked to explain the job analysis software program that UIC is leasing to assist UIC in reviewing their positions. Mr. Parks stated that the software is called the PILAT System and UIC has been leasing it for about 2 ½ years. It requires a lot of personal interaction between the job analyzer, along with the supervisor and the incumbent. This system is not connected to the Civil Service Classification Plan. This could be done, but it would cost a lot of money for this to happen. So a person is still basically making the decision on whether a position is either exempt or civil service.

Ms. Parks further stated that UIC has been collecting a lot of data over the last 2 ½ years from the positions that have been reviewed and that this information has allowed UIC to have a very large data pool of information. Mr. Morelock stated that it is not only the cost of the package for the University System to purchase, but it would also include a lot of data input for the staff of our agency. Overall the program is excellent, but it is not a program that once data is collected from one university, that all universities could utilize.

Update and review of amendments to the proposed rule revision to section 250.30 of the Illinois Administrative Code (80 Ill. Adm. Code §250.30) and the submission for the Second Notice Period

Mr. Morelock stated that included in the agenda material was a summary of what has transpired with the proposed rule revision to section 250.30 of the Code. The timeline referenced in the agenda book states that the Merit Board approved the initial rulemaking and for the publication in the Illinois Register to begin the First Notice Period on November 17, 2010. The University System submitted the material to the Secretary of State for the First Notice Period and that the First Notice period began on March 9, 2012. During that time period, JCAR made suggestions and wanted further clarification of the basis for the exemption of positions. Several other comments have been received regarding this rulemaking process during the First Notice Period. In September 2012, the University System office was again in contact with JCAR regarding the proposed amendments to the rule. Based on JCAR comments, the rule proposal was amended and has since been presented to the Employee Advisory Committee and the HR Advisory Committee.

The Merit Board will be presented the amended rule proposal at the upcoming Merit Board meeting in November 2012, but no action will be taken until the January 2013 meeting. Included in the agenda materials was a final revised draft of the proposed rule revision as will be presented to the Merit Board at the November meeting. The changes have been highlighted in red. Mr. Morelock gave an overview of the changes stating that a new section 250.30(b) was added outlining the statutory obligations regarding exempting positions. Mr. Morelock gave a further overview of the proposed rule changes.

Mr. Morelock stated that also included in the agenda materials was a list of the audit findings from the various employers for the last three years. Mr. Morelock stated that the issue of so many audit findings

has been a topic of discussion for several years and at this point some additional level of accountability should or needs to be put in place. This proposed rule change is the recommendation of the University System office. He further stated that there are two positions regarding this topic. A number of negative comments, approximately 500, from a form letter were received in an email attachment.. The University System office did receive some positive comments from employee groups.

Mr. Morelock stated that since the discussion of this topic, the University System has not seen a decline in the number of audit findings. Ms. Parks commented on the form letter email that the University System had received and explained that she felt that it was a very good State of Illinois process to make comments on proposed rule revisions. Ms. Parks further commented that UIS had a number of audit findings, but no changes had occurred at UIS. She and many others are concerned on why now are there so many audit findings when no personnel procedural changes have been made there. She further stated that this is a question that a lot of other universities are asking. Mr. Morelock stated that he was concerned with the UIUC form letters and that the dialog has not been open to both Civil Service Group and AP employee groups. It seemed that the AP employees had been much more informed and had more access to provide input.

Mr. Morelock stated that a personnel plan changes over the years, classifications change and that classifications are like moving targets. Part of the problem is that we have not had a discussion based on a foundation of common knowledge. Mr. Morelock stated he felt it was more of a process issue. Mr. Morelock asked if faculty employees are truly involved in the employment process and Ms. Parks responded that they are not.

Dr. Cunningham stated that back in the 90's he was involved in this process change and that there were many good reasons why this process was changed, but he further stated that there are still good reasons. He stated that back in the 90's the University System was not able to keep up the various changes and to keep the Classification Plan structure up to date. He further stated that the Personnel Plan for the University System has changed over the years, but it has also changed for the universities. Dr. Cunningham stated that there may be different ways to look at the audit findings. Classifications that are now in the system and that possibly were not in place 5 or 6 years ago, but now the University System is finding audit findings need to be addressed differently. Dr. Cunningham suggested that more discussion needs to be done regarding this topic and that the universities still feel they need to retain this authority to exempt positions. Dr. Cunningham suggested that if there is going to be a rule change, that it would be for current titles in questions, but not for all exemptions.

Dr. Weber agreed with Ms. Parks' comments made earlier in the meeting, that he also felt that the audit perceptions and standards have changed over the last few years. Mr. Morelock stated that the Pilot Program did include many of the classifications and for six years universities had the opportunity to review their classification plan, but many of the universities did not. Mr. Morelock stated the objective for the University System is that there is some credible exemption process in place at each employer and a high level of accountability maintained in that process..

Mr. Morelock stated that the main controversial issue with the rule change is the authority designation, with the University System having the direct responsibility to approve exempt positions. Dr. Cunningham stated that was part of the problem, but that each place needs to look at what classes are giving their place of employment a problem. Mr. Morelock stated that the University System has been willing to work with the universities for a better outcome and that it was important for this rule to pass

to have a higher level of accountability. The Merit Board will be presented with several options in January 2012 – approve, deny, or amend the proposed rule.

Implementation/impact of the recent SURS legislation related to work limitations for Annuitants

Mr. Morelock stated that Governor Quinn signed HB 4996 or Public Act 97-0968, which is called the “Return to Work Bill”. This new law imposes penalties on employers if ‘affected annuitants’ remain employed beyond designated timeframe limitations. The State Universities Civil Service Act and administrative rules contain employer obligations and rights that do not distinguish annuitant status. While both laws are technically compatible, employers are limited in their capability to proactively avoid financial penalties under the new SURS law for status civil service employees. Enclosed in the agenda materials was an Impact Analysis statement which included five different options.

Dr. Cunningham stated that universities have been informed of this matter and that further discussion should be held regarding this topic. Mr. Morelock stated that he has been in discussions with the State Universities Retirement System regarding possible revisions.

Biennial Audit Program – review of recent Activities

Mr. Morelock updated the committee on the recent audit activities and that all of the Final Audit Reports could be found at the University System website.

- Northern Illinois University
- Northeastern Illinois University
- Southern Illinois University Carbondale
- Western Illinois University
- University of Illinois at Urbana-Champaign
- Southern Illinois University Edwardsville
- University of Illinois College of Medicine Peoria

Report of the Executive Director

Mr. Morelock updated the committee on the following:

- *Final expenditures for FY 2012 and current expenditures for FY 2013 were included in the agenda materials; possible transfers will be required for FY 2013. Staff will be meeting with the IBHE staff to discuss the FY 2014 budget recommendation.*
- *Annual Report – the FY 12 Annual Report was mailed to the Governor’s Office in late October 2012 as required by the Act and to various other persons.*
- *Classification Plan Update – staff is currently working on several revisions to the various class specifications and examinations.*
- *Legal Update – 11 Written Charges for Discharge have been served thus far on employees at the various universities/agencies for FY 2013; of those 11, eight employees have requested a hearing before the University Civil Service Merit Board. There are currently three discharge cases*

pending. Ms. Daniels updated the committee on an Administrative Review Case, Michael Rettig, on May 18, 2012, the Appellate Court of Illinois, Second District, filed an order stating that the decision of the trial court is reversed and that the Merit Board's November 17, 2010 decision, finding just cause for the plaintiff's discharge, was not in error.

Review of other Advisory Committee activities

Mr. Morelock stated that the Human Resource Directors Advisory Committee last meet on November 2, 2012 and that the Employee Advisory Committee last met on October 24 and 25, 2012.

Other Items as presented

Included in the agenda materials were proposed meeting dates for 2013:

- *Wednesday, January 23, 2013*
- *Wednesday, May 8, 2013*
- *Wednesday, August 14, 2013*
- *Wednesday, November 6, 2013*

It was agreed by the committee that these dates would be held for possible meetings if needed in 2013.

Mr. Benedict made a comment regarding the exemption issues. She asked that when the committee members have discussions regarding this topic, and possible other options, if the Employee Advisory Committee member from their university and other civil service groups also be included. She felt it was important for everyone to understand both sides. She stated that she understood the issues with HR from working in that department, but she also sees the Advisory Group concerns. She appreciated the information that she received at this meeting.

The meeting adjourned at 12:06 p.m.